

R E M A R K S

Claims 98-103, 105-113 and 121 are pending in the present application. Claim 98 has been amended. Support for this amendment may be found in the specification at page 109, lines 1-12, page 117, line 29 – page 118, line 12, and in Figures 50 and 51. No new matter has been added. The following rejections are at issue:

1. Claims 98-101, 103, 105, 113 and 121 are rejected under 35 USC 103 as being obvious over U.S. Appl. No. 2008/0187949 (Goldbard) in view of U.S. Pat. No. 6,171,780 (Pham); and
2. Claim 102 is rejected under 35 USC 103 as being obvious over U.S. Appl. No. 2008/0187949 (Goldbard) in view of U.S. Pat. No. 6,171,780 (Pham) and WO 99/63329 (Abbott).

1. Claims 98-101, 103, 105, 113 and 121 are not obvious

Claims 98-101, 103, 105, and 121 are rejected under 35 USC 103 as being obvious over U.S. Appl. No. 2008/0187949 (Goldbard) in view of U.S. Pat. No. 6,171,780 (Pham). Applicants respectfully disagree.

In response to Applicants previous arguments, the Examiner maintains the argument that **“The claims are not limited to leaving a pipette in the following application of cells to the well nor culturing the cells in the presence of a pipette so that the cells are confined to an area defined by the pipette. (Emphasis added).”** Applicants respectfully disagree. Nevertheless, Applicants have amended the claim to clarify this point. Contrary to the Examiner’s opinion, the claims are limited to incubating the cells with the insert (which the Examiner is equating to a pipette even though that assertion is misguided) in the well (i.e., leaving the insert in the well following application of the cells using the pipette), removing the pipette so that the cells are confined to an area defined by the insert and culturing the cells in the absence of the pipette. The Examiner has failed to address these claim elements and has failed to establish a prima facie case of obviousness as a result.

2. Claim 102 is not obvious

Claim 102 is rejected under 35 USC 103 as being obvious over U.S. Appl. No. 2008/0187949 (Goldbard) in view of U.S. Pat. No. 6,171,780 (Pham) and WO 99/63329 (Abbott). Abbott does not cure the defects noted for the combination of Goldbard and Pham. Accordingly, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

All grounds of rejection and objection of the Office Action of July 21, 2011 having been addressed, reconsideration of the application is respectfully requested. It is respectfully submitted that the invention as claimed fully meets all requirements and that the claims are worthy of allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicant encourages the Examiner to call the undersigned collect at (608) 662-1277.

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